

January 14, 1999



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

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JOHN CORNYN
Attorney General

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Mr. Delmar L. Cain
General Counsel
Texas A&M University System
John B. Connally Building
301 Tarrow, 6th Floor
College Station, Texas 77840-7896

OR99-0107

Dear Mr. Cain:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121204.

Texas A&M International University received a request for "[l]etters of resignation from any and all former full or part-time directors, instructors, professors, teachers or staff members who have left the university since October of 1996." You state that most of the requested information will be provided to the requestor. You contend that one letter, which you have submitted to this office for review, contains information that is excepted from disclosure under section 552.101 of the Government Code in conjunction with the common-law right to privacy.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." For information to be protected from public disclosure by the common-law right of privacy under section 552.101, the information must meet the criteria set out in *Industrial Found. v. Texas Industrial Accident Board*, 540 S.W.2d 668, 683-85 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). In *Industrial Foundation*, the Texas Supreme Court stated that information is excepted from disclosure if (1) the information contains highly intimate or embarrassing facts the release of which would be highly objectionable to a reasonable person, and (2) the information is not of legitimate concern to the public. *Id.* at 685. We agree that portions of the submitted letter implicate the writer's common-law right to privacy and must be withheld from disclosure under section 552.101. We have marked these portions accordingly. The remaining portions of the letter must be released to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, reading "Karen Hattaway".

Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 121204

Enclosures: Submitted documents

cc: Mr. L. B. Eisen
Laredo Morning News
P.O. Box 2129
Laredo, Texas 78044
(w/o enclosures)